

HEADQUARTERS
UNITED STATES ARMY MATERIEL COMMAND
WASHINGTON, D.C. 20315

AMC REGULATION
No. 70-35

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RESEARCH AND DEVELOPMENT

INVENTION EVALUATION AND PATENT PROTECTION

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1. Purpose. This regulation provides policy, responsibility, and procedures for securing patent rights of maximum usefulness to the respective commands in those inventions generated by the laboratory mission or which are otherwise offered to the command for filing consideration.

2. Scope. This regulation applies to all installations and activities within the U.S. Army Materiel Command (AMC) having laboratory research and development functions or related scientific activities.

3. Policy. It is the policy of AMC to secure patent protection on all possible inventions that will serve it in the fulfillment of its mission. It is also the policy of the command to secure the maximum beneficial coverage by obtaining patent protection on the inventions in direct order of their importance to the mission and in a numerical quantity within the prosecution capability of the supporting patent staff. Pursuant to this end, all installations within the scope of this regulation will take the necessary steps to file or have filed in the U.S. Patent Office the patent applications that are most useful, or are likely to be most useful, in carrying through the command mission. These selected inventions will be further screened so their numerical quantum will be reflective of the productive capability of the supporting patent prosecution staff.

4. Background. The operating procedures of the various research and development installations and activities have in the area of patent protection shown a great dissimilarity in the reporting and evaluating techniques applied to their inventions. In most instances reliance has been placed upon the supporting patent activity to assure that the Government is protected and its rights secured in the generated inventions. This procedure has resulted in some research and development installations and activities having invention dockets of impracticable and unmanageable size. The senior technical personnel of these installations and activities with their broad grasp of the

missions of their installations and activities have the ability to determine the importance of generated inventions and to advise commanders as to what patent coverage should be sought.

5. Responsibility. The responsibility for assuring that the Government's rights are secured in inventions rests with the commanders of the installations and activities having research and development missions (AMCR 825-1). It is the intent of this regulation to implement this responsibility by:

- a. Placing the obligation for selecting and recommending inventions for patent coverage with a specific group.
- b. Outlining general objectives for the group.
- c. Setting forth administrative and processing procedures.
- d. Presenting general guidelines to assist the group in making its selections.

6. Invention Evaluation Committee. The commander of each AMC installation or activity within the scope of this regulation will establish an Invention Evaluation Committee. This committee will have the primary duty of recommending to its patent activity the specific inventions within the installation or activity's jurisdiction for which patent coverage should be sought.

a. The committee will be composed of three or more senior technical employees of the installation or activity knowledgeable in the broad aspects of that element's mission.

b. Meetings will be held at least once every 6 months and at greater frequency when the number of inventions warrant such action.

c. Advisers to the committee may participate in meetings to the extent of providing guidance in specific cases. These advisers should normally be technical representatives of the procuring contracting officers, supervisors of in-house inventors or of laboratories to which the inventions are related, and patent attorneys or advisers of the patent supporting group to answer technical questions in the field of patent coverage.

d. Each committee should attempt to acquire the most effective installation or activity patent portfolio within the capability of the supporting patent staff. This status is reflected primarily in the minimizing of Government patent infringement liability in connection with the procurement or use of material developed by or for the installation or activity. A secondary indicia of an effective portfolio is its ability to reflect the technical achievements of its scientific personnel through patent coverage for those inventions that represent important installation or activity accomplishments or scientific advancements. Guidelines to aid in evaluating inventions are set forth in appendix A; they are suggestive rather than directive.

7. Procedures. a. An evaluation of the proffered invention disclosures will produce a group of inventions for which patent protection is desired. The size of the docket selected from this group will be numerically within the production capability of the patent prosecution staff. Accordingly, a further evaluation will be necessary to select the more important inventions from the group in order of importance.

b. The number of inventions selected for patent protection should be slightly (approximately 25 percent) in excess of the actual capability figure estimated by the patent activity. These inventions should be classified as to top, medium, and low priority and this classification will determine the filing order followed by the patent staff. These inventions will be transferred to the patent activity for filing and the others will be designated for retirement.

c. The selected invention for which patent prosecution has not been initiated within 1 year of being docketed by the patent staff will be reconsidered by the Invention Evaluation Committee at the earliest subsequent meeting for retention at the same or higher priority or retired. The total number of cases on the docket of the patent staff at any one time will not exceed the established capability figure.

d. Administrative assistance for Invention Evaluation Committees will be provided by the supporting patent prosecution staff where both groups are integral to the same installation or activity. This assistance includes the retention of invention disclosures for committee disposition and their retirement when such action is indicated by the committee action. Those elements that are satellited on other installations or activities for patent prosecution support will make; separate arrangements for their administrative assistance. Invention disclosures selected for patent protection that are transferred to the records of the supporting patent prosecution staff will retain this status for further and ultimate disposition including retirement.

Appendix A

GUIDELINES FOR SELECTING INVENTIONS FOR PATENT COVERAGE

The determination as to whether patent coverage will be recommended should be controlled primarily by the following considerations:

a. Where the invention was generated in an in-house laboratory assignment or project:

(1) Is the project still active or has it been dropped?

(2) Is the invention considered to be useful in advancing the project?

(a) Has the item or process that incorporates the invention been type classified?

(b) What is the estimated value of the procurement?

(3) Is the invention applicable to one or more other projects that are in actual existence or contemplated?

b. Where the invention was not generated through an in-house laboratory assignment or project, but was still accomplished in the in-house laboratory:

(1) What was the motivating purpose for doing the work?

(2) Is the invention applicable to any project or assignment? (If positive reply is indicated, consider as in a above.)

c. Where the invention was generated by a contractor as a subject invention through a research and development contract:

(1) Is the invention useful in directly advancing the project that generated the contract?

(a) Has the item or process that incorporates the invention been type classified?

(b) What is the estimated value of the procurement?

(2) Is the project still active or has it been dropped?

d. Where the invention is one generated outside of the laboratory activity:

(1) Is the invention of value to the mission of the laboratory?

(2) Is the invention applicable to any project or assignment? (If positive reply is indicated, consider as in a above.)

e. In considering the worth of the invention wholly on the basis of pushing back the frontiers of research and technology:

(1) Is the invention a major breakthrough in an old area?

(2) Is the invention one that will open a new technical area for which the future is not clearly defined, and which could have a high potential?

(3) Is the invention one that solves a problem earlier dropped as being unresolvable or ahead of its time?

(4) Is the invention one that would be useful in the field of public welfare or public health?

(5) Is the invention one that reflects substantial credit on the employee or the laboratory?

(AMCRL)

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